

# JURORS ASK TO SPARE GUNMEN

Plea of Ten Who Convicted Them Goes to Governor To-day.

## STAY IS REQUESTED

Say Rosenthal Slayers Might Be Aided by Becker Trial.

## NEW EVIDENCE PRESENTED

Stories of Eyewitnesses, Not Told at Trial, Offered by Counsel.

The petition for Executive clemency in the case of the four gunmen now under sentence to die in Easter week for the murder of Herman Rosenthal will be handed to Gov. Glynn to-day.

Ten of the jurymen who heard the evidence and returned the verdict of guilty have signed a petition asking that the death sentence be stayed until after the second trial of Police Lieutenant Charles Becker.

Their signatures to the petition were obtained by Mary Cirofici, sister of Dago Frank. One of the jurors refused to see her and another is without the State and could not be located.

The jurors who have signed a petition for clemency are William H. Montgomery, the foreman; Leo Kramer, S. Comstock, Charles P. Huntington, H. I. Dittman, H. C. Reynolds, Alfred J. Hirsch, Edwin Fisher, Frank H. Gould, and John Gudebrand. John G. Duffy, who was juror No. 5, refused to see Mary Cirofici, and Sidney J. Hamilton, who was juror No. 11, is outside the State.

Miss Cirofici asserts that Gudebrand signed a separate petition because she did not have the original with her when she called upon him, and also that the signature of Mr. Hirsch was not made in her presence, but that his petition was given to her signed by his attorney, Mr. Holland, at the Hotel Majestic, where Mr. Hirsch lives. Miss Cirofici began getting these signatures on March 21 and was accompanied on her visits by either her mother or her brother.

### Petition Is Voluntary.

There are twenty-six typewritten pages in the petition prepared by Charles G. F. Walle, counsel for the gunmen. With this petition there are to be filed forty-one pages of affidavits, including the jurors' petition, and certified copies of the trial record and brief filed with the Court of Appeals.

Included among these affidavits is one by Louis Libby, the bosom friend of William Shapiro, driver of the murder car, in which he swears that Shapiro told him while they were both held in the Tombs that none of the four men now under sentence of death fired a shot or had a revolver the night Rosenthal was killed.

Another affidavit is by William B. Masterson, vice-president of the company which published the *Morning Telegraph*. He swears that Butch Witt, an eye-witness of the murder, told him many times that the men who did the shooting were Bridge Weber and Harry Vallon, and that Sam Schepps was one of those who escaped in the murder car.

Mr. Masterson says he is confirmed in his belief that the four convicted men did not shoot Rosenthal because of a statement made to him by Gus Roeder, a newspaper man. Masterson says that Roeder told him Weber had asked him to recommend a lawyer because he believed Vallon was going to lay the blame for the shooting upon him.

### Talk With Pinkerton.

Mr. Masterson also recites a conversation which he had with Col. William A. Pinkerton of Pinkerton's Detective Agency, who, he says, told him that after talking with Sam Schepps in Paris he was satisfied that Schepps could free the four alleged gunmen if he would return to this country and repeat what he had told him.

Masterson adds to these considerations a personal appeal for a reprieve. He says that as a newspaper man, he knows that public sentiment favors giving the condemned men any advantage that may accrue to them from a second trial of Lieut. Becker.

One of the startling affidavits is made by Lillian Rosenberg, wife of Lefty Louie, and sworn to by her and Lillian Horowitz, wife of Gyp the Blood. It appears to answer the question frequently raised as to why Thomas J. Coupe, clerk at the Elks Club, in Forty-third street, who was brought back from Europe as an eye-witness of the shooting, did not testify.

Mrs. Rosenberg declares that while she and Mrs. Horowitz were detained during the trial in the office of Assistant District Attorney Smith with other witnesses Coupe said in reply to a question as to why he would not be a witness:

"I did see Rosenthal murdered, but those four men are not the men whom I saw; therefore I am not going to be a witness."

### Libby Tells of Friendship.

To show that he and Shapiro were on most intimate terms Louis Libby says in his affidavit:

"For about five years prior to the fifteenth day of July, 1912, Shapiro and I lived together. During those five years I do not believe anything passed in my life without Shapiro knowing it and I do not think anything passed in Shapiro's life without my knowing it."

He then tells of how Shapiro brought the car to their house after the murder and told him there had been a shooting match and how he told his friend to go to bed and keep quiet while he took the car to the garage. Libby was the first man arrested in the case. He was not called as a witness.

Later when Shapiro also was arrested they spent five weeks in the Tombs together. Libby says that Shapiro repeatedly told him that none of the four gunmen did the shooting or threatened to shoot him if he did not get up speed as

# JURORS DECLARE STAY IS ONLY JUSTICE TO CONVICTED GUNMEN

The affidavit of ten of the jurors who convicted the gunmen of the murder of Herman Rosenthal follows:

"The request herein contained is submitted without on our part desiring to impeach or impugn the verdict then rendered (at the trial). We nevertheless feel, under all the circumstances of this case and the connection claimed between these defendants and Charles Becker, accused with them and who has since his conviction been awarded a new trial by the Court of Appeals, the interests of justice may require that the execution of the judgment of death pronounced upon these defendants upon our verdict be stayed until there be a final determination of the guilt or innocence of the said Charles Becker or other disposition of his case.

The gray car went flying toward Sixth avenue. The trial of the gunmen Shapiro identified Harry Horowitz, Louis Rosenberg and Jacob Seidenmacher as the men who were in his car and as the men who did the shooting. Libby thus concludes his affidavit:

"I would gladly have given up half of my life to have saved Shapiro from any trouble and Shapiro knew it. I am positive Shapiro would not have been afraid to tell me if any of the above named defendants was in the shooting match."

### Close to the Shooting.

In his affidavit Mr. Masterson says that Butch Witt told him he was so close to the shooting that a bullet whizzed near enough to his arm to make him think he had been shot. Witt told him that he knew Weber and Vallon well and could not have been mistaken in their identity.

Mr. Masterson says that both before and during the Becker trial he tried to get Witt to come forward and say on the witness stand that it was Weber and Vallon who did the shooting. Masterson says Witt was afraid he himself might be arrested, and in fact he did get into town about the time of the Becker trial and stayed away for some time.

Masterson also says that Witt told him that Bobb Walker and Hickey were with Becker when he was shot and could tell who did the shooting and give Witt's alleged description of Sam Schepps entering the murder car and of Vallon dog trotting to it after the shooting.

Masterson says Witt told him to forget about the shooting because it would all blow over in a few days. Witt also denied, according to Masterson, that Luban, Schickel or Krause, who identified the gunmen, was near the shooting.

### Adds to Libby's Story.

Among the affidavits are those of Harford T. Marshall, formerly an assistant District Attorney, and Samuel Kalmanson of Buffalo, who are both attorneys at law. Libby, says that Shapiro told him none of the four gunmen did the shooting and that Vallon came to the car with a pistol in his hand and struck him on the head with the butt of the gun. He did not run fast enough. Kalmanson swears that he saw Vallon on the running board of the gray car with a revolver in his hand.

The petition of the four gunmen is for a reprieve until the conclusion of the Becker trial or for a commutation of the death sentence. They give their criminal history, showing that under various names each of them had been in and out of prison many times before the shooting of Rosenthal, that Frank Cirofici was sent to Elmira for carrying a concealed weapon, that Louis Rosenberg was convicted four times and that Harry Horowitz was convicted three times and on one occasion was sent back to the city reformatory for breaking his parole.

### Walle Confirms Story.

Judge Walle affixes his affidavit to the effect that Gus Roeder and Butch Witt confirmed to him the conversations which Masterson says they had with him. Witt has since repudiated an affidavit made by him covering the same ground as is covered in that of Masterson.

In his argument in favor of the petition of the gunmen Judge Walle considers first the theory of the prosecution, which he says was that the four men had put to them the alternative of killing Rosenthal at Rose's instigation, with a promise of immunity, or of being charged under the Sullivan law with carrying concealed weapons, falsely charged by Becker's men as was Jack Zelig, whose accusers were convicted of perjury. This latter alternative meant in their cases imprisonment for fourteen years and a possibility of adjudication as habitual criminals.

On this theory, says Judge Walle, these men are to pay the penalty of death for a crime conceived for the benefit of others, while Rose, Vallon, Schepps and Weber, who admit their guilt, go free. Judge Walle describes this as "a condition which shocks the moral sense of what is right."

He declares that this case is unique in that four men are to be executed "without proof that all or how many or which

"We feel as jurors called upon to discharge a serious duty imposed upon us by law, and which upon the evidence presented to us we conscientiously decided, that every possibility of any error should be eliminated before the judgment upon that verdict is executed and join in the request for a reprieve or stay of the execution of the judgment against these defendants until some time after the disposition of the case against Charles Becker, to the end that if anything hereafter occur or any information be procured or during the trial of Charles Becker be brought to light which may redound to the benefit of these defendants they may have an opportunity at the proper time to avail themselves of such development or revelation."

one shot or actually killed; that is, fired the fatal shot."

"We are," he says, "of course not un-mindful of the principle of law that all who participate in a crime of this character are equally guilty. That principle is based upon the fact, and is necessary to be in order to reach all who may in some way have participated in a crime."

"But these petitioners now stand beyond the courts, and within the valley of the shadow of death, some of them conceding to be guilty as another of them may be, according to the prosecution, yet they are all to be executed, without any knowledge to this day on the part of anybody, so far as this record discloses the proof, which one of the four it was from whose pistol came the death dealing bullets, or that as a matter of fact all four of them fired."

"Are we not therefore justified in the assertion that this case is unique in this respect and furnishes, it is respectfully submitted, an unusual instance of the exercise of that great power of clemency vested in the Executive?"

### "Unworthy of Belief."

Judge Walle calls attention to the fact that the Court of Appeals has determined that Rose, Weber, Vallon and Schepps were unworthy of belief, the conviction of the four petitioners stands on the testimony of eyewitnesses of the shooting. These were Krause, Luban, Stanich and Shapiro. Their testimony was described by Justice Chase as "somewhat unsatisfactory and in some particulars contradictory."

Judge Walle points out that Justice Chase is in error in saying that Krause identified Cirofici. According to the record Krause saw no one else identified Dago Frank as one who took part in the shooting.

Another error, in Justice Chase's opinion, is the statement that Luban identified Cirofici. Rose, Weber, Vallon and Schepps were in the car with him. He saw the persons who did the shooting. Judge Walle shows that Luban merely testified to having seen these three on the sidewalk near the Metropole. The three men were not running fast enough. As for the explanation of the four gunmen that they were lured to the Metropole by the story of Rose, Judge Walle points out that Justice Miller says the gunmen's explanation is as improbable as the story of Rose, Weber, Vallon and Schepps, nevertheless, twelve jurymen in the trial believed the story of Rose, Weber, Vallon and Schepps, and asks why it should be strange that the petitioners believed them on the night of the murder.

The argument concludes by pointing out that these considerations are sufficient to impel the Governor to show mercy by giving a reprieve until the end of the second Becker trial. Judge Walle says: "Every rule of public decency and every desire for fair play, it is respectfully submitted, would dictate that these four men be given the opportunity of having whatever benefit may come from the developments and determination of the trial of Becker."

### No Merit, Says Whitman.

District Attorney Whitman said last night that he could see little merit in the argument that the four men had put to them the alternative of killing Rosenthal at Rose's instigation, with a promise of immunity, or of being charged under the Sullivan law with carrying concealed weapons, falsely charged by Becker's men as was Jack Zelig, whose accusers were convicted of perjury. This latter alternative meant in their cases imprisonment for fourteen years and a possibility of adjudication as habitual criminals.

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# NEW YORK GIRLS, AH! SO CHIC, SO DRESSY!

And Our Hotels With Such Fascinating Bars Can't Be Beaten.

## 'TIS EXPERT WHO SAYS IT

George Jacques Kraemer, Manager of London Hotel, Pledges His Word.

American cocktails, girls, pepperpot, corn bread, sleeping car berths, fire alarms, kitchen, shade, cigarettes for women, and dining car excels, laws were only a few of our national institutions touched upon yesterday by the alert and observant George Jacques Kraemer, manager of the Carlton Hotel, London, when Mr. Kraemer had settled himself at a table in the palm room of the Ritz-Carlton.

The London—and some time German, Swiss and Italian—hotel man, who each year visits a country new to him to study the latest native wrinkles in hotel management, yesterday was fresh from a trip of inspection of one of our spots bounded by Philadelphia, Washington, Chicago, Buffalo, Montreal and Fifth avenue. This is his first American visit.

Let Mme. Henri Jolre, gown building associate of Paquin, go boating back to France, as she did on Saturday, with the final pronouncement, she left the American continent flat, that our men, sartorially speaking, are "awful"—a lot of rascals—dressed like butlers," just because American men do not wear the best of the world's very latest fashions. Mr. Kraemer, who saw a very great deal more of the country than Madame, altogether holds a better opinion of us, even of the male of the Chicago species.

### The Women—Ah!

"And your women—God!" breathed Mr. Kraemer, softly, reverently, as if in everlasting thanksgiving for having been permitted to look upon so much loveliness. "The women here were keen. Just after I landed here with William Harris, president of the Ritz-Carlton Hotel Company, I walked along your Fifth avenue at the letting out of the very latest fashions. Heavens, what lovely women! Such smartness, so much more chic than the English girls; such wonderful gown so stylishly worn."

"And I had been told before I came here that I should find the American men do not dress as they should. I have not found it so. At this hotel, and at the other smart ones in different parts of the city, the men wear well made evening clothes at dinner, something I had been told I would not see. Perhaps in Chicago there is not so much full evening dress, but there is at least wear that you call dinner coats and we know as smoking coats."

Why the dining car waiter must not serve beer or other alcoholic drinks while passing through certain States Mr. Kraemer could not understand. He brightened perceptibly when told that great groups of the American men being were with him in this. Also our Americans are so stuffy that he often had to take "two baths a day" to counteract the effects.

And who is responsible for the absurdity of our women's wearing aprons in public, he wanted to know. The American girls "smoke when they visit England," he said. He agreed with all Englishmen that we keep our hotel rooms much too hot, thereby lessening the life of the hotel. He has not yet lived under the rule and the great American apartment house janitor.

### Praises American Hotels.

These are about the only drawbacks to the American manner of doing things, so far as he could remember when asked to tell us the worst about ourselves. And when asked his opinion about the hotels and the management thereof, his praise of the American idea was unstinted.

"Your hotels are the equal of any in the world, in some respects they are superior," said Mr. Kraemer. "I have gone through the St. Regis, the Plaza and others here and they are wonderful. The St. Regis, in fact, I have just left, is a gorgeous chateau."

"Your hotel kitchens especially astound me. They are so roomy and so clean. Europe would do well to copy your sanitary hotel kitchens, with their clean floors of white tiles and electrical and engineering equipments, cold storage plants and so on that are far ahead of anything to be found anywhere else."

"Your hotel bars are a constant fascination to me and I find myself studying again and again their general arrangements. And the American free lunch menu! I asked your hotel men how they can afford to give a man who perhaps buys only a ten cent drink a hot meal for nothing. 'It is the American custom,' they answer, and I fancy they are as sorry that the free lunch is necessarily a part of your bars as we should be to see the custom introduced into England."

"But I do like the idea of having so many more little tidbits—tempters, they might be called—on your bars, such as crackers covered with melted cheese and other dainty bites, than we have in our English bars. Setting even the excels aside, however, I don't think we could have the American free lunch in our bars. In England the hotel bar is largely run for the guests. The free lunch would attract a class of patronage that would be altogether undesirable."

### Cooking as Good as Any.

"As for your hotel food, the cooking is as good as any in the world. You get the best chefs because you pay them more than Europe does. And here you have custom unfortunately very rare throughout Europe except in Paris, which, perhaps more than any American resort, spurs on chefs, waiters, the whole serving force to do their best."

"I mean your practice of asking, when ordering a dinner for particular foods cooked in a particular way. In Europe there is too much of what we call the 'fixed price' system. There the diner tells the waiter, 'Bring me a dinner costing \$2.48,' as the case may be. With the price fixed beforehand the chef is too prone to think, 'Oh, we'll give him what he ordered—\$2 worth of food.' Your way of ordering offers the chef some incentive to do his best, spare him to enthusiasm."

"Your food prices are higher than ours. On the other hand your hotel tables throughout the winter boast of fruits and fresh vegetables, thanks to your Florida and California farms, which in England would be tremendously expensive luxuries in the winter months, if obtainable at all. As for your oysters, they are a marvellous delight to me."

"Friends in Philadelphia gave a dinner for me at a club at which all the dishes were typically American—all your oysters, the pepperpot, the corn bread, the duck, bread made of maize—corn bread, isn't it?—American cheese and so on. It was all very enjoyable."

"But here you insist upon too many cocktails before dinner and not enough wines during dinner. One, two, three cocktails, but next to no champagne. Why? And your champagnes are very sweet, to one accustomed to our dry wines."

"Our hotel bathrooms do not come up to those in the best European hotels, Mr. Kraemer thinks, large because in Europe the bathroom is designed to be used also as a dressing room."

# AT 23 WOMAN WHO FLOPED JOINS NAVIGATORS OF THE AIR

Mrs. Hornsby Is Recent Graduate of Wright School—Knows Construction Too.

Mrs. Herbert Hornsby is one of the new women aviators. She is a recent graduate of the Wright school of flying at Dayton, Ohio. She is the daughter of John C. Richberg, a Chicago lawyer, and the wife of Hubert Hornsby, son of John A. Hornsby of Chicago, who was formerly superintendent of the Michael Reese Hospital and is now editor of the *Modern Hospital*, a publication devoted to hospital interests.

Mrs. Hornsby's marriage was romantic. She eloped with Mr. Hornsby two years ago to Wisconsin, where the ceremony was performed. They lived in Wisconsin for a short time and then returned to Chicago.

Mrs. Hornsby has been interested in aviation for some years and began the study of aeronautics at her father's home, 2227 Calumet avenue, Chicago.

She is about 23 years old and was one of the younger members of the Wright flying class at Dayton. There she specialized in the dual control method and learned the details of aeroplane construction at the Wright factory as a part of her equipment as an aviator.



MRS. HERBERT HORNSBY.

# DRUG TERROR FILM SHOWN IN THE TOMBS

Prisoners See Moving Picture of Vice Which They Are Victims.

## SOME SNICKER AT SIGHT

They Drop Cynicism, However, as Story Is Unfolded and Become Serious.

The first exhibition of its kind was witnessed at the Tombs prison yesterday afternoon when a moving picture machine flicked off the six reels of "The Drug Terror" before nearly 300 prisoners in the Protestant chapel.

The films, which have been produced at the Park Theatre to show the degrading results of the use of cocaine, heroin and other drugs, were shown under the auspices of Mrs. W. K. Vanderbilt, who is actively interested in the crusade against opiates, and the Sociological Fund of the Medical Review of Reviews.

Commissioner of Correction Dr. Katharine B. Davis, who agreed to a production of the pictures after they were endorsed by First Deputy Commissioner Burdette G. Lewis, was unable to be present.

The pictures came in for expert criticism from the spectators, many of whom were known to be "dope fiends" themselves and displayed a ready familiarity with the workings of the cocaine traffic.

A good deal of rather nervous laughter was heard at first. This was especially manifest among the first batch of prisoners, who went in at 1 o'clock. They numbered 184 inmates awaiting sentence, most of them with lowering faces.

"Sniffers" Snicker at Actors. They jeered whenever a Lubin actor uttered a dose of 'cokes' that struck them as impossibly large. They hailed many



Three distinctive EARL & WILSON collars and the only satisfactory collars of the V front style, made. They fit the neck snug and stay there.

2 FOR 25 CTS. TROY'S BEST PRODUCT

# Public Utilities Evening Post to-day

3¢

# STEAMER HELD UP IN SOUND, Towed to New York.

The Colonial Line steamship Lexington, with a small number of passengers, bound from Providence to this port, lost part of her steering gear yesterday morning off Throgs Neck, at the junction of the Sound and the East River, came to anchor and asked by wireless message for tug. Most of her passengers were asleep when the accident happened and when they got up some of them thought that the steamer had reached her dock.

Tugs towed the Lexington to the foot of West Houston street five hours behind schedule. She will not be delayed in her sailing by the mishap, as the damaged gear can be repaired readily.

R. H. Macy & Co.'s Attractions Are Their Low Prices.

# Macy's

14th St. Broadway, 4th to 5th St.

# Joyous Easter Novelties

Easter is filled with the joyousness of Spring—and the attractive novelties of the season show an appropriate gaiety of spirit.

"Irresponsible" Bunnies, some masquerading as clowns, chauffeurs and baseball players, are 5c to \$2.24, with more sedate ones of soft rabbit skin, becomingly decorated with ribbon bows, from 49c to \$3.48. Many can be filled with candy, while others, which squeak or wriggle tail and ears, make lovely toys.

Jack Horner Pies of all sorts are priced 99c to \$9.94—all with 12 "surprise" favors—Egg Pies, Gypsy Kettles, Kewpie Wagons and Spring Maids, dressed in the latest fashions—centerpieces that will add much to the success of a party.

Satin Eggs, plain and hand painted, are 19c to \$1.98 and we have delicious candies with which you can fill them.

Cunning Nest Baskets to be filled with candy are 15c to 99c and there are more expensive Bonbon Holders in the shape of gaily trimmed autos and slippers.

Ice Cups in various colors and designs range from 5c to 18c.

Natural fluffy Chicks and Ducks are 10c each; made up as favors with a little pile of tin foil covered chocolates and a ribbon rosette, are 39c each.

Wonderful Fancy Chocolate Novelties are displayed both in the Basement and on the Main Floor. Chocolate Eggs 5c to \$1.98, plain and frosted, with flowers and other decorations with natural chicks or ducks; Woven Chocolate Baskets which can be filled with candy, 99c and \$1.24; Chocolate Hats in the latest roll-brim style, trimmed with pink, blue or lavender ribbons; also Chocolate Buns, Chicks, Swans, Nests from 5c to \$1.24, not only attractive but every one—GOOD TO EAT!

Basement, Centre, and Main Floor, Near.

Going to cut away from the frock coat this Easter? Of course frocks are, and will be, worn by many of our dignified fellow citizens, but for smart formal day wear the cutaway heads the procession. With or without braid.

Not quite so formal but eminently proper—Oxford sack coat and vest with striped worsted trousers.

For dress wear—Dressier overcoats of black and oxford gray—silk lined and silk faced.

ROGERS FEET COMPANY Three Broadway Stores at 14th St. 13th St. 34th St.

BROOKLYN ADVERTISEMENTS

Dentistry BE SURE you get the right Dentist! Get first class work and material at very low prices. ESTABLISHED 34 YEARS. Dr. L. J. HOYT, Dentist, 455 Fulton St. (N. Y. & South St.) Do Not Mistake the Number. Beautiful artificial gum sets of teeth, \$5, \$7 and \$10. Painless extraction of teeth included. Fillings, teeth in place. ALL WORK WARRANTED.

The latest introductions in the floral world are described in the Gardening Notes of the Sunday Sun.